

# Order

Michigan Supreme Court  
Lansing, Michigan

January 20, 2021

Bridget M. McCormack,  
Chief Justice

161983

Brian K. Zahra  
David F. Viviano  
Richard H. Bernstein  
Elizabeth T. Clement  
Megan K. Cavanagh  
Elizabeth M. Welch,  
Justices

PEOPLE OF THE STATE OF MICHIGAN,  
Plaintiff-Appellee,

v

SC: 161983  
COA: 353663  
Oakland CC: 2003-189994-FC

JAMES EDWARD TERRY,  
Defendant-Appellant.

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On order of the Court, the application for leave to appeal the August 20, 2020 order of the Court of Appeals is considered and, pursuant to MCR 7.305(H)(1), in lieu of granting leave to appeal, we REMAND this case to the Court of Appeals to address: (1) whether the Oakland Circuit Court had statutory authority under MCL 769.1k to issue the August 28, 2018 amended order to remit prisoner funds; and (2) if so, whether setting the amount of attorney fees several years after sentencing violates due process. *People v Jackson*, 483 Mich 271, 292 (2009).

On remand, while retaining jurisdiction, the Court of Appeals shall remand this case to the Oakland Circuit Court and direct that court to appoint counsel to represent the defendant in the Court of Appeals. We direct the Court of Appeals' attention to the fact that we have also remanded *People v Nye* (Docket No. 161267) to the Court of Appeals for consideration of similar issues.

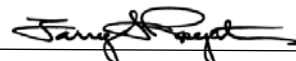
We do not retain jurisdiction.



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I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

January 20, 2021

  
Clerk